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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,173	09/15/2006	Tomotsugu Matsui	B-6133PCT 623732-0	8722
36716	7590	03/21/2008		
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			EXAMINER REICHLE, KARIN M	
			ART UNIT	PAPER NUMBER
			3761	
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			03/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,173	<b>Applicant(s)</b> MATSUI, TOMOTSUGU	
	<b>Examiner</b> Karin M. Reichle	<b>Art Unit</b> 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11-13-06, 11-15-06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

#### ***Drawings***

1. The drawings are objected to because cross-sections should be denoted by Roman or Arabic numerals, not letters. Note also the use of letters to describe such in the textual description. In Figure 1, the lines from 13, 20 and 21 should be dashed to denote underlying structure. Also a line from each denotation to the structure it denotes should be set forth, i.e. no B1 in parenthesis without a line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Description***

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, second paragraph.

3. The disclosure is objected to because of the following informalities: 1) The section subtitles should be revised, see 37 CFR 1.177(b). 2) On page 9, second to last line, reference to the inventor should be avoided. Appropriate correction is required.

### ***Claim Objections***

4. Claims 1-4 are objected to because of the following informalities: in claim 1, line 1, "structured by integrally forming" should be --comprising--. In claims 2-4, line 1, "An" should be --The--. In claim 2, line 3, "on...test" should be deleted. In claim 4, line 2, "a ...ink" should be --an ink print--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The description of the ink as being "general" is unclear, i.e. what properties does "general" encompass?

***Claim Language Interpretation***

6. Since no claim terminology has been explicitly defined, such terminology will be given its usual, e.g., dictionary, definition. It is noted with respect to claim 1 that the surfaces of the vapor permeable sheet and the coating layer are all “inner” with respect to other sheets. Also the claim does not require direct provision on such surfaces. With respect to claim 3, “approximately” allows some deviation from the “same shape”. With respect to claim 4, the ink print is not required to be coextensive with the information mark. Also due to the lack of clarity, the “general” ink will be considered to include any ink. See also discussion *infra*.

***Claim Rejections - 35 USC § 102/103***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3761

8. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cammarota et al '119 and thereby, by incorporation, Timmons '211.

Claim 1: See Claim Language Interpretation section supra and '119 at the Figures and, e.g. col. 1, lines 41-54, col. 2, lines 11 et seq, and thereby, by incorporation, '211 at the col. 2, line 68-col. 3, line 4, col. 3, lines 33-34 and 59-61, col. 4, lines 6-10 and 40-47, col. 5, lines 21-66, and col. 6, lines 19-26, e.g. a water content indicator constituted by a hydrophilic resin coating layer and a dye/information mark (Note paragraphs bridging pages 10-12 of the instant application), '119 further at col. 3, lines 1-4 and 46-51, col. 7, lines 19-29, col. 5, lines 45-50, the paragraph bridging cols. 6-7, col. 8, lines 28-58, col. 9, lines 6-61, especially line 60, col. 11, line 40-col. 12, line 13, col. 12, lines 21-36, col. 15, lines 13-62, and col. 21, lines 26-48, i.e. '119 teaches an absorbent article 20 comprising, in order, at least a liquid permeable top sheet 42, an absorbent 44, a water vapor permeable waterproof sheet 40, 116, and a liquid impermeable back sheet 40, 114, and a water content indicator, the "active graphic", see, e.g. Figure 5, element 85, is provided on an inner surface of the water vapor permeable waterproof sheet, see portions of '119 cited supra, e.g. col. 21, lines 27-48, and the water content indicator includes a hydrophilic resin coating layer and an information mark, see col. 1, lines 41-45 of '119, i.e. informational graphics, and portions of '211, esp. col. 5, lines 27-66, e.g. the resin is a water-soluble, i.e. "hydrophilic" as defined by the dictionary is "Having an affinity for, absorbing, wetting smoothly with tending to combine with, or capable of dissolving in water", polyvinyl alcohol or carboxymethyl cellulose, i.e. CMC, (Note again the instant specification at the paragraph bridging pages 10-11) which is coated/layered on the cover, and the mark is the dye (Note again

Art Unit: 3761

the paragraph bridging pages 11-12 of the instant application). Claim 1 further requires the mark provided on an inner surface of the hydrophilic resin coating layer. See Claim Language Interpretation section *supra*, i.e. the claim does not require direct provision. See again the cited portions of '119 and '211, i.e. mix/solution/dispersion of dye/resin, i.e. mix/solution/dispersion of dye in resin. Therefore, there is sufficient factual evidence for one to conclude that there is or necessarily and inevitably is at least a portion of the mark/dye on an inner surface of at least a portion of the hydrophilic resin which resin is a coating layer. It is noted that the claim does not require, e.g., all the mark/dye be provided directly on such surface.

Claim 3: The “hydrophilic” resin coating layer constituting the water content indicator and the information mark are formed in “approximately”, see Claim Language Interpretation section *supra*, shape, see discussion of claim 1, i.e. dried coating or layer of solution/mix of color/dye and resin, i.e. dye and resin have or necessarily and inevitably have the same dimensions as combination solution/mix.

Claim 4: An ink print, i.e. a print surface by a “general” ink, is provided at a position corresponding to the information mark, e.g. see element 92 in Figure 5, col. 8, lines 29-31 and 39-43, permanent ink sequestration graphic which is background or surrounds, e.g. similar, parallel or equal in location, i.e. “corresponds” is defined as “To be similar, parallel, equivalent or equal in character, quantity, origin, structure or function”, between the water vapor permeable waterproof sheet and the hydrophilic resin coating layer, see cited portions of '119, e.g., col. 21, lines 26-48, active graphic may be on core or between core and vapor permeable layer while permanent segmentation graphic can be on interior surface of vapor permeable layer.

***Claim Rejections - 35 USC § 103***

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cammarota et al '119 and Timmons '211 in view of Inoue et al '126.

This claim requires the water vapor permeable waterproof sheet be a sheet material having a water vapor permeability of 700 g/m<sup>2</sup>/24h as measured according to JIS Z-0208. While '119 at col. 15, lines 13-62 teaches a vapor permeable layer it does not teach the specific vapor permeability measured according to the specific test. However see '126 at paragraphs 17, 20, 26, 29 and 31. To make the vapor permeable waterproof sheet of the wetness indicating absorbent article an vapor permeable waterproof sheet of the wetness indicating absorbent article as taught by '126 instead, if not already, would either be obvious, see *In re Siebentritt*, 54 CCPA 1083, i.e. two equivalents are interchangeable for the desired function, express suggestion of desirability not needed to render such substitution obvious, or be obvious to one of ordinary skill in the art in view of the recognition that such a sheet provides vapor permeability and visual detection of a wetness indicator and the desire of such same properties in the cover by '119. In so doing the prior art would necessarily and inevitably teach the claimed article.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art also teaches disclosed and/or claimed features.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karin M. Reichle/  
Primary Examiner, Art Unit 3761

March 17, 2008